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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO.199 OF 2014**

IN THE MATTER OF:

ALMITRA H. PATEL AND ANOTHER ... APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS ... RESPONDENTS

WITH

STATUS REPORT ON BEHALF OF RESPONDENT -
ANDAMAN AND NICOBAR ADMINISTRATION (SECRETARY
- ENVIRONMENT).

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ADVOCATE FOR THE RESPONDENT No.32:

G.INDIRA

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7.	<p><u>Anexure-R-6:</u> A true and correct copy of the communication dated 16.04.2015 forwarded by the Office of the Executive Engineer(NRSE), Port Blair to the Pollution Control Committee, Port Blair intimating about the department is in the process of establishment of biomass power plant at South Andaman and Car Nicobar.</p>	
8.	<p><u>Anexure-R-7 (Colly):</u> (i) A true and correct copy of the submission of monthly report dated 07.04.2015 on Swachha Bharat Abhiya by the Office of the Director General Police. (ii) A true and correct copy of the Andaman and Nicobar Islands to the Nodal Officer/Director, Department of Science and technology, A&N Administration. (iii) A true and correct copy of the Notification dated 03.10.2011 issued by the Andaman and Nicobar Administration.</p>	
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10.	<p><u>Anexure-R-9:</u> A true and correct copy of the Port Blair Municipal Council Solid Waste Management Bye-Law.</p>	

New Delhi

Filed by

Dated: 03.08.2015

(G. INDIRA)

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RESPONDENTS

STATUS REPORT ON BEHALF OF RESPONDENT

(ANDAMAN AND NICOBAR ADMINISTRATION).

I, Deepak Mohan Shukla, S/o Shri Bansi Mohan Shukla aged about 54 years, working as Secretary(Environment) having office at Van Sadan, Haddo, Port Blair, Andaman and Nicobar Islands, do hereby solemnly affirm and state that I am conversant with the facts and circumstances from the records of the case.



Deepak Mohan Shukla

Thus, I am competent to swear to this Status Report on behalf of Andaman and Nicobar Administration.

1. In the present case, this Hon'ble Tribunal vide Order dated 13.07.2015 directed all the States to file their status report with regard to the collection, storage and disposal of Municipal Solid Waste in the entire state. Further, they should clarify, if any, MSW disposal of Municipal Solid Waste in the entire state. Further, they should clarify, if any MSW disposal plant either RDF or Waste to Energy or any other more plants have been provided in the state or they are in the proposal stage in that behalf. Let the Secretary, Environment and Secretary, Urban Development of each State to file their affidavits personally and if not filed within three weeks from today, the Secretary concerned shall personally be liable for payment of cost, which will be imposed and the amount be to the extent of Rs.50,000/-each. A true and correct copy of the Order dated 13.07.2015 passed by this Hon'ble



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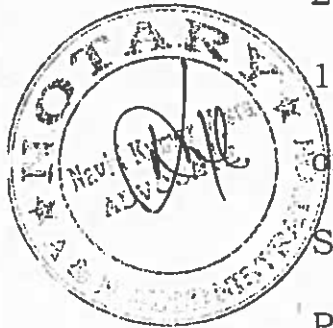
Tribunal in O.A.No.199 of 2014 is annexed and marked hereto as Annexure-R-1. (Pg.Nos.

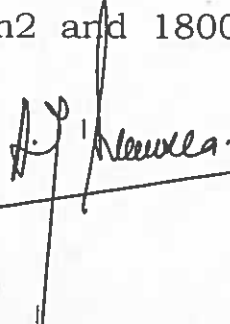
2. It is submitted that the Andaman Nicobar Islands consists of 572 number of islands out of which 38 number of islands is inhabitant which are geographically isolated. The implementation of Municipal solid Waste (Management and Handling) Rules, 2000 in Port Blair (capital city) is under the Port Blair Municipal Council, the lone urban local body of Union Territory of Andaman and Nicobar Islands. The said capital is having more than one lakh population and comes under the purview of the Municipal Solid Wastes (Management and Handling) Rules, 2000. As far as formation of cluster for entire Union Territory of Andaman and Nicobar Islands is concerned, it is practically not possible to cover the entire inhabitant Islands in cluster due to geographical isolation and lack of transportation of waste by sea. However, keeping in view and geographic isolation of Islands, the Andaman and



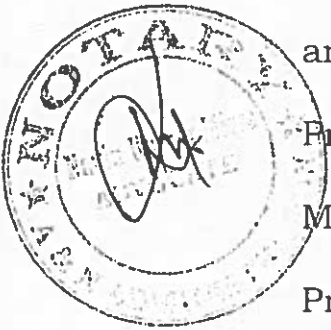
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Nicobar Administration proposes to follow the cluster approach for management of solid wastes in compliance of directions of Hon'ble National Green Tribunal in South Andaman District which will cover 1 cluster with 18 number of municipal wards which will be further extended to 24 wards from October, 2015 onwards as the extended municipal area from 18 to 24 wards will come in to Administrative control of PBMC after ensuing municipal election during September, 2015 and 12 number of clusters for Panchayat in South Andaman District. Port Blair Municipal Council worked out critical approach paths and stations at 18 wards where segregated wastes from source level. The activities that are to be taken up by Gram Panchayats at village level, Panchayat Samities at Block level and Zilla Parishads at District level for the Districts of both South Andaman and North and Middle Andaman have been channelized. Infact, the Office of the Deputy Commissioner vide Order No.143 dated 11.02.2015 allotted three land sites measuring 4000 m² , 1500m² and 1800m²



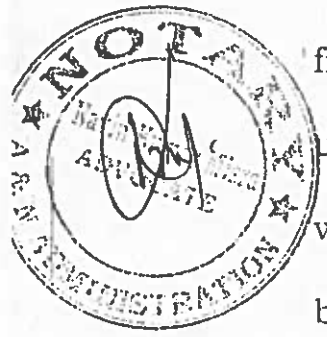

Navin Kumar Mishra

bearing survey Nos.1/4, 1/6 and 1/5 respectively have already been allotted at village Radhanagar in Havelock Island to the Zilla Parishad South Andaman for development of land fill sites. With regard to the submission made by the Applicants for direction that Schedule III of MSW Rules 2000 be deemed to mean and include not just "Landfill Sites" but "Waste Processing and Landfill Sites: and that Ground water Monitoring be Undertaken around all Open Dump, Processing sites and landfills, it is submitted that in future, Port Blair Municipal Council will implement Schedule-III of MSW rule 2000 as "waste processing and landfill sites" however being a lone municipality, and restriction over availability of land as per defined waste management norms and manual, also due to narrowness of available land profile on Island causes difficulties to identify suitable waste processing and landfill sites. Further, due to Hilly areas inert and other C&D, wood etc. non-biodegradable wastes are used to fill up appropriate areas on hills because of constraints in finding adequate land. With regard to



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the submission made by the Applicants for direction that strict implementation of the Entire Section 3.16.6 of the Supreme Court endorsed SWM report cited above, and call upon all states and Union Territories Town Planning Authorities to report on the Buffer status of all the existing open dumps and Waste-Processing and disposal/landfill sites and give a time-frame for compliance, it is submitted that presently, used dumping ground has 2 sides facing seaward whereas rest of the 2 sides faces land, adequate green belts are existing on closed dump site whereas greenbelt at the outer periphery of in-use dumping ground is maintained. With regard to the submission made by the Applicants for direction that the Central Government to consider and devise for economic and fiscal instruments like TDRs or land-for-land or sites - for-land to compensate land-owners failing within No-New Development Buffer Zones and also require satellite imagery to be used for bench-marking and periodically checking over time to ensure that the Buffer Zone is not clandestinely developed after taking



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compensatory benefits, it is submitted that the said submission is not applicable since no land acquisition is involved. Moreover, the existing land fill site is facing towards sea ward on 2 sides whereas rest of the 2 sides faces land with adequate green belt and beyond which there are stone quarries and no residential/commercial activities is permissible as per approved Master Plan. With regard to the submission made by the Applicants for direction that the Air Ministry and a Air Force to File Affidavits explaining the technical need for minimum distances from the runways in all directions and also spell out an unambiguous set of guidelines for grant of "necessary approvals" to municipalities for all airports in general, it is submitted that the said direction is not applicable. However, proposal towards all construction/development activity in the vicinity of existing runway is referred to Air Traffic Control Unit of A&N Command for specific clearance in each case and only thereafter the sanction/approval by Municipal authorities is considered. With regard to



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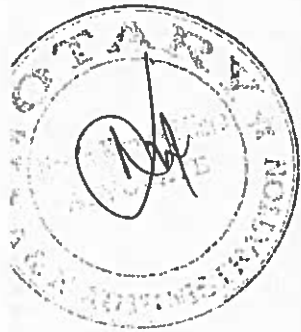
the submission made by the Applicants for direction that all Respondents to study and comply with the Volume I chapter 10 recommendations on pages 113-135 of the Planning Commission's May 2014 report of the Task Force on Waste to Energy in their Model Action Plans, it is submitted that due consideration will be given however due to extreme weather condition and other constraints limited waste to energy concepts such as Vermiculture, Biogas, is so far considered, Recyclable paper & plastic rejects are transported to mainland. A true and correct copy of the Table Showing details of the Wards with the Map; Order No.143 issued by the Deputy Commissioner specifying the Survey number for Garbage dumping Yard and Path at Radhanagar Village, Havelock, Chart indicating Status Report and activities that are to be taken up by Gram Panchayats at village level, Panchayat Samities at Block level and Zilla Parishads at District level for the Districts of both South Andaman and North and Middle Andaman is

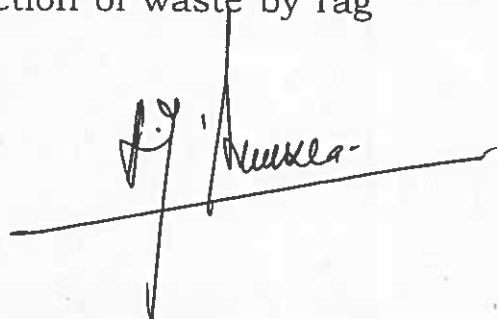


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annexed and marked hereto as Annexure-R-2(i),(ii)(colly). (Pg. Nos.

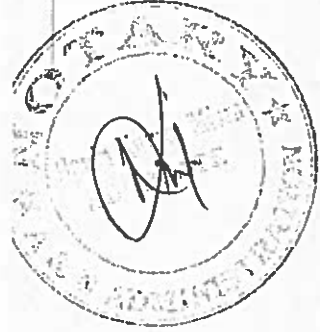
3. It is submitted that Andaman and Nicobar Administration will ensure proper collection, treatment and disposal of Municipal Solid Wastes by maximum protection in the interest of environment. In Port Blair Municipal area approximately 70-80 tons of solid waste is generated per day out of which approximately 10.76% is plastic, 5.8% of glass, 1.69% is metal which are collected and transported to mainland by various agencies for recycling since the recycling of waste is not done in Andaman Nicobar Islands. The Port Blair Municipal Council made action plan to process the wet waste by shifting of dry waste to mainland through authorized persons by Pollution Control Committee of Andaman and Nicobar Administration in accordance with the Councils approved Bye Laws. (Which is in process for obtaining approvals from Andaman and Nicobar Administration) Where provision is kept for collection of waste by rag





pickers on condition that they will handover the dry waste to persons authorized by Pollution Control Committee only. With regard to establishment of RDF Plant (Refuse Dry Fuel) at Port Blair where maximum quantity of solid waste is generated, the Andaman and Nicobar Administration proposes to undertake a feasibility study through a reputed Institute for implementation of the direction of this Hon'ble Tribunal. A true and correct copy of the Project Report submitted by National Environmental Engineering Research Institute, Nehru Marg, Nagpur in relation to Development of solid waste management system at Port Blair is annexed and marked hereto as **Annexure-R-3.** (Pg. Nos.

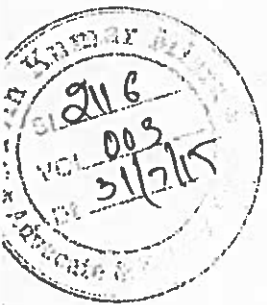
4. At present, the Port Blair Municipal Council collects Municipal Solid Wastes daily from households, shops and establishments. Organic waste is partly processed through vermi composting. Door to Door collection and segregation at sources level have been functioning at 107 pockets with house hold of 6,768



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with the population of 25,692 in Port Blair Municipal area. Recyclable waste is transported to mainland for treatment and disposal. The collection and processing of waste is done through sanitary workers at predetermined times. Community bins have been installed at places where door to door collection is not possible and the residents of these areas are encouraged to put waste into the bins in segregated manner. Road side fixed cover bins have also been constructed with separate compartment for Bio and Non Bio degradable waste.

5. It is submitted that to create awareness among the general public, the Port Blair Municipal Council has already constituted Public Health Awareness Representative Groups which have been effectively functioning and creating awareness covering 6,768 households (population of 25,692) in 107 pockets in 02 Wards. In addition to above, Port Blair Municipal Council has also taken up the awareness programme in the remaining 16 Wards which will be completed by 31st December, 2015 to achieve 100% target of



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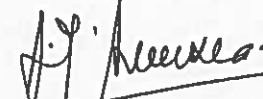
segregation, transportation and disposal of Municipal Solid Wastes in and around Port Blair. A true and correct copy of the Public Notice issued by the Port Blair Municipal Council is annexed and marked hereto as **Annexure-R-4**.(Pg. Nos. ___to___).



Besides, Department of Science and Technology of the Andaman and Nicobar Administration also sensitize the rural people through the Panchayats of the importance of segregation of solid wastes and methodology for its proper disposal.

7. With regard to the direction that the municipal solid waste so collected shall be transported by the corporation separately and in different containers/vehicles duly covered as per the Municipal Solid Wastes Management & Handling Rules, 2000. There would be complete segregation of the waste at the site into wet and dry waste without fail. No wet waste would be directly put into the incinerator or for power generation, except specifically submitted. The wet waste shall be composted waste shall be





transported and incentives to provide to farmers to use it as a fertilizer. While the wet waste is being composted due caution should be taken for preferably spraying bin-degradable and eco-friendly disinfectant to prevent bad odour, it is submitted that Port Blair Municipal Council has placed sixty two number of roof type covered double bins, four dumper bins, 100 Numbers of 600 liters of 300 numbers of 120 liters. HDPEbins (High Density Poly ethylene), at various locations for collection of wastes, and has a Store yard for storage of dry waste. It is also submitted that the Port Blair Municipal Corporation has 20 trucks, 2 dumpers placers, 2 compacters, 18 three wheelers and 1811 staff deployed for collection and transportation of waste and covered 25-30% households under door to door collection and segregation of wastes in and around Port Blair. The complete (100%) segregation and transportation of waste at the source into wet and dry waste is expected to be achieved by 31.12. 2015.



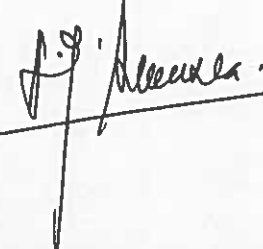
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As regards composting of wet waste and spraying biodegradable and eco friendly disinfectants to prevent bad odour. It is submitted that Port Blair Municipal Council is already composting the wet waste at two places and spraying them with biodegradable and eco friendly disinfectants to prevent bad odour and using the compost in all the parks and gardens maintained by them.

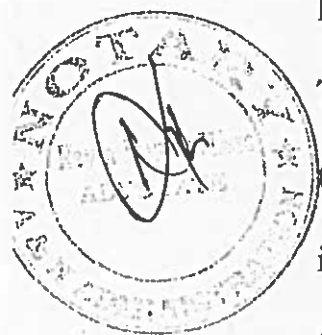


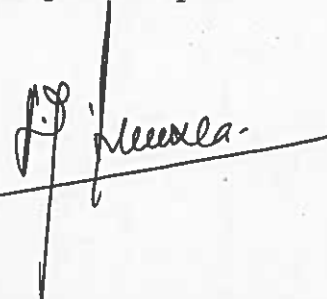
With regard to the direction that as far as the remaining MSW is concerned, it shall be further segregated into recyclable and un-recyclable waste, particularly plastic and other wastes. In relation to former, the operating agency, State Government and the Corporation shall frame a proper policy so that it can be collected from the site, transported in accordance with law and can be provided to the persons or the firms authorized for handling recyclable plastic and allied waste or for making Refuse Dry Fuel. However, in relation to the later, it would be seen whether un-recyclable plastic or other waste can be use for the purpose of construction of





roads or such allied activity, where it is scientifically permissible. Whatever is still found to be unrecyclable, the same shall be put into incinerators for disposal. The waste left in the incinerators shall be collected and disposed of in accordance with the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008. It is obvious that the amount of remnant waste would be the least, it is submitted that the establishment of RDF Plant (Refuse Dry Fuel) at Port Blair where maximum quantity of solid waste is generated, the Andaman and Nicobar Administration proposes to undertake a feasibility study through a reputed institute for implementation of the direction of this Hon'ble Tribunal. Further, Andaman and Nicobar Administration has imposed a total ban on use, storage, import, manufacture, transportation and distribution or sale and disposal of Plastic carry bags irrespective of their thickness, size, colour and nature in Union Territory of Andaman and Nicobar Islands since 01.10.2010. In fact, the used/waste plastic pet




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bottles and glass bottles are also being segregated and transported to mainland through private agencies duly authorized by the Andaman and Nicobar Administration for their recycling in the mainland. The Andaman and Nicobar Administration has so far transported 876 tons of plastic and 1,196 tons of glass waste to the mainland for their recycling. It is further submitted that the Department of Science & Technology of Andaman and Nicobar Administration has made available the details guidelines and the methodology for use of plastic wastes in laying of road to the Andaman Public Works Department(APWD). However, the said APWD is again being requested to make full use of available plastic waste in construction of roads in the islands. A true and correct copy of the Notification dated 02.08.2010 issued by the Andaman and Nicobar Administration imposing complete ban on use, storage, import, manufacture, transportation, distribution or sale and disposal of plastic carry bags; month wise details of plastic waste send to mainland under the scheme;



A. J. Alexander

letter dated 09.02.2011 forwarded by the office of the Superintending Engineer(Plg), APWD to the Office of the Executive Engineer, APWD intimating about the re-use of Plastic Wastes in Road Construction; Notifications dated 17.08.2010,14.11.2011 and 20.01.2014 issued by Andaman and Nicobar Administration respectively is annexed and marked hereto as Annexure-R-5(i),(ii),(iii)(iv)(v)(vi)(Colly).(Pg. Nos. ___ to ___).

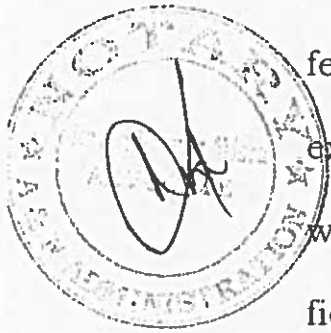
9. With regard to the direction that every effort should be made to provide green belt of higher density, using new techniques while keeping in mind that least of the space is used for the greenbelt and maximum space is used for the site to ensure that larger area is being made available for storage and processing of the waste, it is submitted that the Port Blair Municipal Council has provided in its Plan to create high density green belt around newly allocated land fill site and at dry resource park to protect the environment around



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the land fill site with the technical assistance from the Department of Environment & Forests.

10. It is submitted that though the Andaman and Nicobar Administration is exploring the feasibility of establishing a Refuse Dry Fuel Plant by instituting a feasibility study through the reputed institute having expertise in the field, possibilities are also being worked out to have more numbers of expertise in the field, possibilities are also being worked out to have more numbers of composting pits for composting of biodegradable waste and establishment of bio-gass plants for generation of power by Port Blair Municipal Council at the proposed centralized landfill sites at Brookshabad. A true and correct copy of the communication dated 16.04.2015 forwarded by the Office of the Executive Engineer(New Renewable Source of Energy), A & N Administration, Port Blair to the Pollution Control Committee, Port Blair intimating about the department is in the process of establishment of biomass power plant at South

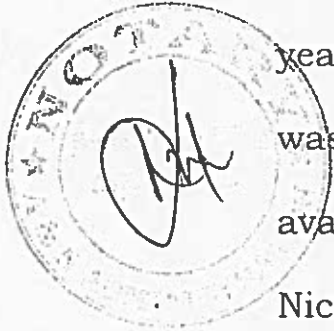


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Andaman and Car Nicobar is annexed and marked hereto as Annexure- R-6. (Pg. Nos.

11. It is respectfully submitted that the Andaman and Nicobar Administration has already introduced the scheme namely "Andaman and Nicobar Islands Scheme for Exemption of Freight Charges for Transportation of Plastic and Glass wastes" in the year 2010 for transportation of plastic and glass waste to mainland as there was no recycling unit available in the Union Territory of Andaman and Nicobar Islands which is paying dividend in protecting the fragile environment for these Islands by managing such waste. The Administration has so far transported 958.82 tons of plastic and 1,430.47 tons of glass waste to the mainland for recycling.

12. It is respectfully submitted that on the basis of Polluter Pays "Principle, 228 persons were prosecuted under section 34(5) & 34(7) of the Indian Police Act, 1861 for dumping of garbage in public



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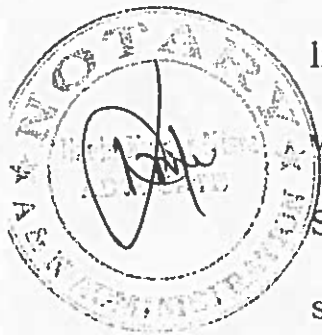
areas/residential localities and for willful indecent exposure of person in public place (washing, bathing, urinating) by the Andaman Nicobar Police. Infact, 253 persons were imposed fine for littering at public places and a total amount of Rs.25,300 (Rupees twenty five thousand three hundred) was collected by Port Blair Municipal Council as a part of Polluters Pay Principle. A true and correct copy of the submission of monthly report dated 07.04.2015 on Swachha Bharat Abhiya by the Office of the Director General Police, Andaman and Nicobar Islands to the Nodal Officer/Director, Department of Science and technology, A&N Administration; fine imposed for littering at Public places and Notification dated 03.10.2011 issued by the Andaman and Nicobar Administration is annexed and marked hereto as Annexure-R-7(i),(ii)(iii)(colly). (Pg. Nos.

13. With regard to the direction of this Hon'ble Tribunal that the State Governments, Municipal Corporation, Councils and Committees to place dustbins of



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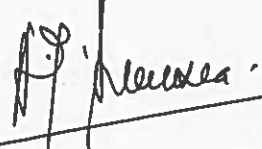
appropriate sizes in the Jhugies/colonies and would also educate residents living in the Jhuggies/colonies about the need for waste segregation and mode of waste collection and transportation, it is submitted that Port Blair Municipal Council has placed 62 numbers of roof type covered double bins, 4 dumper bins. 100 numbers of 600 liters, 300 numbers of 120 liters, HDPE bins (High Density Poly ethylene) at various locations for collection of wastes, and has a Store yard for storage of dry waste. It is also submitted that the Port Blair Municipal Corporation has 20 trucks. 2 dumpers palters. 2 compacters, 18 three wheelers and 1811 staff deployed for collection and transportation of waste and covered 25-30% households under door to door collection and segregation of wastes in and around Port Blair. The complete (100%) segregation and transportation of waste at the source into wet and dry waste is expected to be achieved by 31.12. 2015.



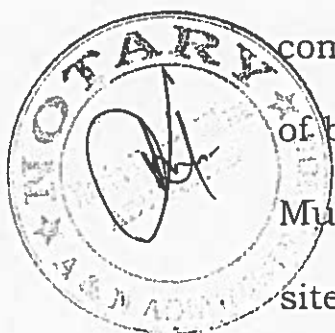
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14. It is submitted that NRSE (New Renewable Source of Energy) Division of Electricity Department had installed 84 numbers of pre-fabricated 2m³ size Biogas plants in rural area of the islands since 1992 in order to utilize the available cow dung and other waste materials. On recent study, it is found that majority of these plants are not running successfully because of insufficient availability of cow dung and other waste materials to feed the plants. Moreover, the animals are not stall fed as such dung is not available at one place. The Energy Resources of Institute (TERI), New Delhi had prepared a pre-feasibility study report of six islands of Union Territory of Andaman and Nicobar Islands for generating power through biomass residue available in islands. They recommended that biomass power plants could be installed at Car Nicobar-2.25 MW. South Andaman-540 KW, North Andaman-310 KW, Mayabundar-130 KW, and Middle Andaman-440 KW by utilizing the available coconut/areca nut wastes, tree branches and other minor forest waste materials. Now, the





Andaman and Nicobar Administration is in the process of establishment of biomass power plant at South Andaman and at Car Nicobar. In addition, the Andaman and Nicobar Administration through Port Blair Municipal Council is exploring the feasibility of establishing more numbers of composting pits for composting of biodegradable waste and establishment of bio-gas plants for generation of power by Port Blair Municipal Council at the proposed centralized landfill sites at Brookshabad. The details of management of solid wastes disposal are given below:



Table;1.(MSW Generation and Disposal Details):.

Sl.No.	Name of Council	Population in lakhs was per 2011 census	MSW generated TPD	MSW collected TPD	MSW treated	MSW disposed TPD
1.	Port Blair Municipal Council	1.08	70 tons	70 tons	05 ton	65 tons

15. Pursuant to the Order dated 13.07.2015 passed by this Hon'ble Tribunal, the meeting was held under the chairmanship of Chairman, Andaman Nicobar Pollution Control Committee on 23.07.2015 to review



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the compliance of directions issued by this Hon'ble Tribunal in the above captioned matter. In the meeting Chairman reviewed the present status of the implementations of the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000. A true and correct copy of the table indicating timeline with details of Methodologies Action Plan for MSW is annexed and marked hereto as **Annexure-R- 8.**

CPg. Nos.



16. It is submitted that Port Blair Municipal Council has kept provision in Port Blair Municipal Council Solid Waste Management Bye law to involve rag pickers in organized manners, Port Blair Municipal Council has also made Monitoring/Vigilance squads for keeping watch on child labour prohibition, rag pickers will be directed to dispose of waste only to authorized people, while issuing license as per the provisions of Bye law of Port Blair Municipal Council. A true and correct copy of the Port Blair Municipal Council Solid Waste Management Bye-Law is annexed and marked hereto as Annexure-R-9. *CPg. Nos.*



Anand Kumar Mishra

17. Keeping in view of the factual position stated above, the question in respect of any impediment does not come in the way of implementation of directions, if any issued by this Hon'ble Tribunal and Andaman and Nicobar Administration will implement the same in true letter and spirit.



In the light of the factual circumstances stated above, this Hon'ble Tribunal may be pleased to pass appropriate Order as deemed fit and proper and thus render justice.



[Signature]
DEPONENT

Secretary
Department of Science & Technology / Environment
Andaman and Nicobar Administration

VERIFICATION

Verified at Port Blair on this the 31st day of July, 2015 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.



[Signature]
DEPONENT

Affirmed before me on this the 31/7/15

[Signature]
Navin Kumar Misra
Advocate & Secretary Public
A & N Islands, Port Blair

Secretary
Department of Science & Technology / Environment
Andaman and Nicobar Administration

